

### REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 20, 2007. At the time of the Office Action, Claims 1-19 were pending in this Application. Claims 1-19 were rejected. Claims 1 and 14 have been amended to further define various features of Applicants' invention. Claims 2 has been cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

#### **Inventorship**

The subject matter of the various claims under 35 USC §103(a) is commonly owned by the Assignee of the present application.

#### **Rejections under 35 U.S.C. § 102**

Claims 1-19 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,513,496 issued to Koichiro Yomogida ("Yomogida"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

Claims 1-19 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,385,129 issued to Wilhelm Eyberg ("Eyberg") Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipated by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Applicant amended independent Claims 1 and 14 to include the limitation of “wherein, in order to limit the movement of the low operating point during adaptation, at least one second injection parameter is set such that the operating point remains at least approximately stationary.”

None of the cited prior art discloses this limitation. *Yomogida* discloses a method in which the amount of fuel injection during low speed/light load condition is changed by an amount  $Q_{cy(j)}$ . *Yomogida* further discloses to use a stepwise adjustment of this value. however, *Yomogida* does not disclose to set a second injection parameter such that the operating point remains at least approximately stationary. Hence *Yomogida* does not anticipate amended independent Claim 1. Claim 14 has been amended accordingly and is, thus, also allowable.

*Eyberg* does not add anything to *Yomogida*. *Eyberg* also only varies a single parameter namely the length of speed pulse to control the injection time of an injector and thus the fuel injection amount of a particular cylinder. However, *Eyberg* does not disclose to set a second injection parameter such that the operating point remains at least approximately stationary.

in summary, the cited prior art does not anticipate the present independent claims. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §102 or §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

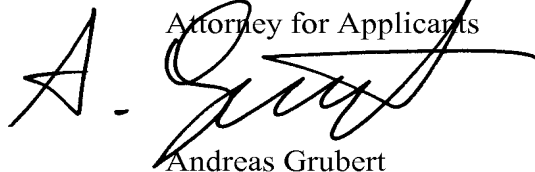
**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,  
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Date: January 25, 2008

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